IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF SOUTH CAROLINA

SPARTANBURG DIVISION

Gloria Carson,)	Civil Action No. 7:12-1053-TMC-KFM
Plaintiff,)	
)	**REPORT OF MAGISTRATE JUDGE**
vs.)	
)	
Wal-Mart Associates, inc.,)	
)	
Defendant.)	

          This matter is before the court on the parties' stipulation of dismissal of the plaintiff's federal claims (doc. 25). In her complaint, which was filed on April 18, 2012, the plaintiff alleged causes of action for race discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended, age discrimination in violation of the Age Discrimination in Employment Act ("ADEA"), and a state law claim for slander *per se*. The plaintiff alleged in her complaint that the court has subject matter jurisdiction over this action pursuant to its power to hear civil rights cases. *See* 28 U.S.C. § 1343(a)(4). The plaintiff further alleged that the court's exercise of supplemental jurisdiction over the claim for slander *per se* is appropriate as that claim is so related to the claims in the original jurisdiction of the court as to form a part of the same case or controversy under Article III of the United States Constitution. *See* 28 U.S.C. § 1367(a).

          On April 12, 2013, the parties filed a stipulation of dismissal with prejudice of the plaintiff's ADEA and Title VII claims. Accordingly, the only remaining cause of action is the slander *per se* claim. As the parties have dismissed by stipulation the federal claims forming the basis of the federal court's original jurisdiction, the court should decline to exercise supplemental jurisdiction over the plaintiff's remaining claim for relief asserted pursuant to state law. 28 U.S.C. § 1367(c)(3) ("The district courts may decline to exercise

supplemental jurisdiction over a claim under subsection (a) if . . . the district court has dismissed all claims over which it has original jurisdiction . . . .").

IT IS SO RECOMMENDED.

May 2, 2013   s/ Kevin F. McDonald
Greenville, South Carolina   United States Magistrate Judge